CHAPTER 89-04-06
STREAM CHANNEL DIVERSIONS

Section

89-04-06-01. Construction and design requirements. Flow from perennial and intermittent streams within the permit area may be diverted only when the diversions are approved by the state engineer and they are in compliance with local, state, and federal statutes and regulations. When streamflow is allowed to be diverted, the new stream channel shall be designed and constructed to meet the following requirements:

1. The average stream gradient shall be maintained and the channel designed, constructed, and maintained to remain stable and to prevent additional contributions of suspended solids to streamflow, or to runoff outside the permit area to the extent possible, using the best technology currently available. In no event shall such contributions be in excess of requirements set by applicable state or federal law. Erosion control structures such as channel lining structures, retention basins, and artificial channel roughness structures shall be used only when approved by the state engineer for temporary diversions where necessary or for permanent diversions where they are stable and will require only infrequent maintenance.

2. Channel, bank, and floodplain configurations shall be adequate to safely pass the peak runoff of a precipitation event with a ten-year recurrence interval for temporary diversions and a hundred-year recurrence interval for permanent diversions, or larger events as specified by the state engineer.

General Authority: NDCC 28-32-02, 61-02-11, 61-03-13
Law Implemented: NDCC 61-02-14, 61-16.1-38

89-04-06-02. Removal. At the time temporary diversions are removed, the permittee shall ensure that downstream water treatment facilities previously protected by the diversion are modified or removed to prevent over-topping or failure of the facilities.

General Authority: NDCC 28-32-02, 61-02-11, 61-03-13
Law Implemented: NDCC 61-02-14, 61-16.1-38